

REMARKS/ARGUMENTS

By this Amendment, claim 3 is canceled and claims 1, 2, 15 and 20 are amended. Claims 1-2 and 4-22 are pending.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Claim Amendments

Claims 1, 15 and 20 are amended to incorporate certain limitations from previously presented claim 2. Claim 2 is amended accordingly. Claims 1, 15 and 20 find support in the original disclosure at, e.g., page 11, paragraph 2, line 8; and page 11, paragraph 3, last sentence.

Claim Rejection – 35 USC § 103

Claims 1-22 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over De Gasparis et al., "Automated Electrorotation: Dielectric Characterization of Living Cells by Real-time Motion Estimation." Meas. Sci. Technol. 9 (1998) 518-529 in view of U.S. Patent No. 6,440,285 to Fuhr et al. This rejection is respectfully traversed.

De Gasparis discloses exclusively the measurement of rotation spectra of particles. The particles are held in a planar electrical field cage in connection with a laser tweezer. The particles are rotated, while images are collected, in order to measure the numbers of rotations at different frequencies. On page 519, paragraph 2, it is explicitly mentioned that "to be useful for ROT experiments, an automated system must be able to determine the cell rotational rate based on a sequence of images (or frames)." In other words, there is not disclosed the collection of three-dimensional images of the particles. Such an imaging method cannot be obvious from the De Gasparis reference as such a concept is not disclosed or suggested in this publication.

On the other hand, Fuhr et al. disclose "a method for controlling the position of the motion of objects in field cages and a device for performing such a method" (column 1, line 11). Furthermore, Fuhr et al. at column 2, lines 35-41 state:

The required object position can be either a certain location within a closed field cage or a path within an open field cage (duct structure or the like). A periodic change of position means that the retained particle is conducted periodically on a path around the required predetermined object position. The shape of this superimposed trajectory can be chosen as desired.

In other words, Fuhr et al. disclose a method and a device for moving particles on predetermined trajectories or paths in space relative to the electrodes of the field cage. Fuhr et al. do not disclose a rotation of single particles around a predetermined axis or rotation angle.

Thus, the cited references do not properly combine to meet all of the features of the claimed invention, and do not render the claimed invention obvious. Accordingly, reconsideration and withdrawal of the obviousness rejection of claims 1-22 are respectfully requested.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

By 

David M. Tener
Registration No. 37,054
Customer No. 03000
(215) 567-2010
Attorneys for Applicants

May 26, 2009

Please charge or credit our
Account No. 03-0075 as necessary
to effect entry and/or ensure
consideration of this submission.